

**FLATHEAD COUNTY PLANNING BOARD  
MINUTES OF THE MEETING  
AUGUST 11, 2021**

**CALL TO ORDER  
6:00 PM**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. in 2nd Floor Conference Room of the South Campus Building, 40 11th Street West, Suite 200 Kalispell, Montana. Board members present were Sandra Nogal, Greg Stevens, Jeff Larsen, Elliot Adams, Verdell Jackson, Buck Breckenridge, and Tyler Hoffman. Kevin Lake and Mike Horn had excused absences. Erik Mack and Donna Valade represented the Flathead County Planning & Zoning Office.

There were approximately 8 members of the public in attendance and 3 members of the public in attendance via Zoom.

**APPROVAL OF  
MEETING  
MINUTES  
6:01 PM**

Breckenridge made a motion, seconded by Jackson, to approve the July 14, 2021 meeting minutes.

Motion passed on a 5-0 roll call vote. Larsen and Adams abstained

**PUBLIC  
COMMENT  
*(Public matters that  
are within the  
jurisdiction of the  
Board 2-3-103  
M.C.A)*  
6:01 PM**

None

**DISCLOSURE OF  
ANY CONFLICT  
OF INTERESTS  
6:01 PM**

None

**MOTION TO  
AMEND THE  
AGENDA  
6:02 PM**

Larsen requested that they switch the agenda items as he felt the zone change would have a shorter hearing than the West Glacier Vision Plan.

Steven motioned, seconded by Nogal, to switch the files on the agenda so the zone change could be heard first.

**ROLL CALL TO  
AMEND THE  
AGENDA  
6:02 PM**

Motion passed unanimously on a roll call vote.

**DONALD SCOTT  
DAVIS  
(FZC-21-11)  
6:02 PM**

A zone change request from Donald Scott Davis for properties in the Willow Glen Zoning District. The proposal would change the zoning on properties located at 16 Davis Court and 115 South Cedar Drive in Evergreen from *R-5 (Two Family Residential)* to *B-2 (General Business)* on approximately 1.86 acres.

**STAFF REPORT  
6:03 PM**

Erik Mack reviewed staff report FZC-21-11 for the board.

**BOARD  
QUESTIONS  
6:06 PM**

Adams asked about Finding of Fact #2, in which he read aloud, and wondered if the property was located in the WUI. Mack said it was not located in the WUI, and that would need to be amended, but the concern was that it was located in the floodplain.

Larsen wondered if there were fire hydrants nearby and Mack replied that he believed there was.

**APPLICANT  
PRESENTATION  
6:07 PM**

Scott Davis, 448 5<sup>th</sup> Ave W, was the applicant. Davis summarized his proposal which included 28 single unit apartments for the handicapped. They would be handicap accessible and have handicap bathrooms. There would be 4 units with 4 studio apartments in each one. He continued to explain his project in great detail and explained that the intent was to help out disabled Veterans.

**BOARD  
QUESTIONS  
6:12 PM**

Stevens asked if they were manufactured homes. Davis said they were going to be stick built. They discussed, at great length, building design and provided services for the units. Stevens was unsure if he could restrict it to handicap. Davis said he was planning on building it that way to make sure they were handicap accessible [if need be].

Stevens was in favor of affordable housing in the county.

Jackson asked if the units were would be intended for a single tenant or multiple tenants in one unit. Davis said each unit was 360 square feet.

**CONTINUATION  
OF APPLICATION  
PRESENTATION  
6:15 PM**

Ron Larsen, 907 Two Mile Dr., spoke in support of the application. He was a retired Navy Veteran and Veterans had a special place in his heart. He discussed, at great length, his involvement in the community and working with people in need for affordable housing. He was in support of anything that would help the homeless Veterans.

**AGENCY  
COMMENTS  
6:18 PM**

There were no public agencies present to comment. Written comments were reviewed in the staff report.

**PUBLIC  
COMMENT  
6:18 PM**

Cara Cummins, 350 Blanchard Lake Rd., discussed her history in the valley as a landlord and had the intent to short term rent out her property but was in favor of finding affordable housing options for people in the valley.

**MAIN MOTION  
TO ADOPT F.O.F.  
(FZC-21-11)  
6:21 PM**

Stevens made a motion, seconded by Jackson, to adopt staff report FZC-21-11 as findings of fact.

**BOARD  
DISCUSSION  
6:21 PM**

Adams reminded the board that they needed to make a motion to amend Finding of Fact #2

**MOTION TO  
AMEND F.O.F. #2  
6:21 PM**

Adams motioned, seconded by Nogal, to amend Finding of Fact #2 to state:

The proposed map amendment could potentially impact safety from fire and other danger because even though the property is *not* located in the WUI, it is approximately 1.25 miles from the nearest fire station, a portion of the property is located within the 100-year floodplain which would require floodplain development permit for construction in the floodplain.

**BOARD  
DISCUSSION  
6:22 PM**

None

**ROLL CALL TO  
AMEND F.O.F. #2  
6:22 PM**

Motion passed unanimously on a roll call vote.

**ROLL CALL TO  
ADOPT F.O.F.  
(FZC-21-11)  
6:22 PM**

Motion passed unanimously on a roll call vote.

**MAIN MOTION  
TO RECOMMEND  
APPROVAL  
(FZC-21-11)  
6:22 PM**

Breckenridge made a motion, seconded by Jackson, to recommend approval of FZC-21-11 to the Board of County Commissioners.

**BOARD  
DISCUSSION  
6:23 PM**

Adams asked if the B-2 zoning allowed what they were proposing to do. Mack replied that multi-family was a permitted use in the B-2 zoning as long as they could meet set back requirements and fit the parking on there.

**ROLL CALL TO  
RECOMMEND  
APPROVAL  
(FZC-21-11)  
6:24 PM**

Motion passed unanimously on a roll call vote.

**WEST GLACIER  
VISION PLAN  
(FPMA-21-01)  
6:25 PM**

A request by the Middle Canyon Land Use Advisory Committee for an amendment to the Flathead County Growth Policy, specifically to add the West Glacier Vision Plan as an addendum to the Canyon Plan which has been incorporated into the Flathead County Growth Policy.

**STAFF REPORT  
6:25 PM**

Donna Valade reviewed staff report FPMA-21-01 for the board.

**BOARD  
QUESTIONS  
6:27 PM**

Stevens asked if the Canyon Land Use Regulatory Systems (CALURS) was a regulatory document. Valade said the Canyon Plan was not regulatory but CALURS was. Stevens asked how the West Glacier Vision Plan (WGVP) meshed with CALURS. Valade said that CALURS would overrule the vision plan because it was the land use regulations. She used the Bigfork Neighborhood Plan as an example.

Stevens asked what the point [of the WGVP was]. Valade explained that it was more of a refined vision since West Glacier was going through tremendous growth. It went into a deeper vision of what they would like to see happen. Stevens asked if they would be better off updating CALURS since it the vision plan was not regulatory. He wondered if the cart was before the horse. Mack replied that technically plans were supposed to come first. Valade said the Canyon Plan was already in place and this would be an addendum to it.

Larsen explained that if the Vision Plan was adopted, then CALURS would have to be amended because the zoning had to be in line the growth policy. That was how it worked statutorily. Valade said that, as she looked into the WGVP being presented, she did not see any conflicts with the zoning regulations. In her opinion, this was more of a guideline on way to handle transportation and sanitation.

Stevens was concerned that the growth plans and zoning regulations meshed together.

**APPLICANT  
PRESENTATION  
6:32 PM**

Mary T. McClelland, *no address given*, was member of the planning team for the application. She stated it was a vision plan which respected the place. She spoke about the reasons for the plan as well as agencies which were involved. She also listed who was involved including both the private and public sectors. The plan which developed with county offices including the Planning and

Zoning Office was a result of those efforts. The vision plan did not have any regulatory parts to it. It fit with CAULURS because, if the community or the MLUAC decided something needed to be addressed, it could be consulted. The vision plan had utilized several public agencies in its development. Stevens and McClellan discussed what the involvement of the Planning Office was. McClellan reviewed the involvement of the Planning Office which included a letter of support and commitment. She listed the ways the Planning Office participated in the process from attending planning team meetings, to what things were to be included in vision plans. She also recounted where the meetings were held, and that the county attended. Records were kept by the RTCA, they have a complete record of the meetings, and they were publicly announced with all people invited.

Monica Jungster, 535 Sloan Lane, was member of the planning team for the application. She stated she was the owner of a business in Apgar Village, and also holds community meetings as a concerned citizen since the fires in Glacier Park. The meetings were in conjunction with Glacier Park, Forest Service, DNRC and OES. The community meetings were established before the planning team was formed. Her main concern was fires and to enhance community involvement. The agencies contributions to the WGVP were exceptional. The WGVP was following through on what people in the area wanted. The Planning Team included Mark Mussman from the Planning Office as well as the park superintendent.

Gary Rodgers, 342 Plantation Drive, said they had have a vested interest in the WGVP, and he had been a part of the process since the beginning. They were skeptical at first and have been impressed with the efforts of the planning team. It was hard to find a common voice or platform for the community since there were so many interests in the area. This had been a very helpful process. Pursuit envisions themselves as stewards of West Glacier and own a lot of land and businesses. One of the benefits was hearing from other people who were involved in the area. They saw the WGVP as a road map for decision making as they go forth. CALURS was the regulations which needed to be followed. Another benefit of the process was the effort made to be inclusive. They support the adoption of the WGVP and thought it had been a good process.

**AGENCY  
COMMENTS  
6:50 PM**

There were no public agencies present to comment. Written comments were reviewed in the staff report.

**PUBLIC  
COMMENT  
6:51 PM**

Sharon Demeester, 415 Chestnut Drive and 130 Glacier Ridge Dr., spoke in support of the proposal. She was a member of Middle Canyon Land Use Advisory Committee and the WGVP had been unanimously forwarded with a recommendation of approval by that committee. There was a lot of things in common between the Canyon Plan and the WGVP. She listed several. West

Glacier was a special place and needed to be protected. She worked as a volunteer at the park and stated the number people who were going through the park was staggering.

Onno Wieringa, 9550 Highway 2, spoke in support of the proposal. He was a business owner in West Glacier. He felt the WGVP was a great representation of the vision of the community. Someone would have to have been in a bubble to not know about the WGVP with all the outreach which had gone on. The businesses looked at the WGVP and did not see anything onerous in the plan to business. He said they had always had great support from the Planning Office, Mark Mussman had been at the meetings. He said if the board could look at the amount of people coming through the area, they would see the need for the WGVP.

Sally Thompson, 232 Highline Blvd., spoke in support of the proposal. She has lived in the area for over 50 years. She commended the planning team on their efforts. She was in support of the WGVP and appreciated the work the team had put in and one of her concerns were traffic.

**APPLICANT  
REBUTTAL  
6:59 PM**

Jungster asked the planning board if they had any questions with how the vision plan fit in the works with CALURS. If there were concerns, that was what they were here to help share their perspective.

Larsen said they would get to board questions shortly.

McClelland said they would be able to include the current census numbers in the WGVP which may help bring the community into light.

**STAFF  
REBUTTAL  
7:01 pm**

None

**BOARD  
QUESTIONS  
7:01 pm**

Jackson and the applicants discussed how to let Glacier Park know how the current system affected locals using Glacier Park and if the WGVP can help with that situation.

**MAIN MOTION  
TO ADOPT F.O.F.  
(FPMA-21-01)  
7:08 pm**

Nogal made a motion, seconded by Jackson, to adopt staff report FPMA-21-01 as findings of fact.

**BOARD  
DISCUSSION  
7:08 pm**

Breckenridge was not sure how the WGVP meshed with the other documents in the area.

Larsen said there were good things, however he had concerns. He explained



there were controversial ideas he felt should be discussed in a countywide form. Zoning had to be created in compliance with the Growth Policy, anything which was put into the Growth Policy they had to be able to interpret, have clearly defined terms, and that was not for just the present but also the future. He was unclear on several of the terms, listed them and explained why. Even though the applicants had put in a lot of effort, he was unable to support the WGVP because he did not know what the terms meant. Another issue was there was a property owner's section in the Growth Policy, and that section was not addressed in the WGVP. He felt strongly about this oversight. He did not feel the WGVP was in compliance with the Growth Policy. He wanted to amend finding #1 and #4. He also wanted to see why private property rights were not talked about in the WGVP. He also did not like the Planning Board had not held a public workshop on the WGVP. The Growth Policy stated the Planning Board shall have a workshop and that had not happened. His main concern was how it complied with the Growth Policy.

Stevens said it was important that, in everything they do, there were findings that were supported by facts. If the findings were changed to support being opposed, he would support that. The findings needed to be right.

**MOTION TO  
AMEND F.O.F. #1**  
7:18 pm

Larsen motioned, seconded by Nogal, to amend Finding of Fact #1 to state:

*The proposed Growth Policy amendment does not comply with the Montana Code Annotated MCA Section 76-1-601(4)(a) that requires a neighborhood plan must be consistent with the Growth Policy. This proposed amendment does not comply with the preface of the Growth Policy Part 6 Individual Property Rights in the Flathead County because it does not consider, meet or address the requirements of Part 6 of the preface of the Growth Policy. It appears several items in proposed amendment may conflict with Section 6. In the end of Section 6 it states, "In the event of conflict between the provision of this part and any other provision in this Growth Policy and its' amendments, this part shall control."*

**BOARD  
DISCUSSION**  
7:18 pm

Stevens felt that it was a reasonable amendment.

**ROLL CALL TO  
AMEND F.O.F. #1**  
7:19 pm

Motion passed unanimously on a roll call vote.

**MOTION TO  
AMEND F.O.F. #4**  
7:20 pm

Larsen motioned, seconded by Nogal, to amend Finding of Fact #4 to state:

*The proposed amendment does not comply with the public's 7 elements of the proposed vision of the future of Flathead County. One of the 7 vision items is to preserve the rights of private property owners. This amendment does not appear to comply with the element of the vision statement because this amendment does not comply with preface of the Growth Policy Part 6 Individual property rights in*

*Flathead County. Because it does not consider, meet or address or even mention the requirements of Part 6 of preface of the Growth Policy. It appears several items in proposed amendment may conflict with Section 6. In the end of Section 6 it states, "In the event of conflict between the provision of this part and any other provision in this Growth Policy and its' amendments, this part shall control."*

**BOARD  
DISCUSSION  
7:20 pm**

None

**ROLL CALL TO  
AMEND F.O.F. #4  
7:20 pm**

Motion passed unanimously on a roll call vote.

**ROLL CALL TO  
ADOPT F.O.F. AS  
AMENDED  
(FPMA-21-01)  
7:21 pm**

Motion passed unanimously on a roll call vote.

**MAIN MOTION  
TO RECOMMEND  
DENIAL  
(FPMA-21-01)  
7:21 pm**

Stevens made a motion, seconded by Adams, to recommend denial of FPMA-21-01 to the Board of County Commissioners.

**BOARD  
DISCUSSION  
7:21 pm**

Stevens said there was a lot of work which had gone into the WGVP. The problem he had was that the people came up with the idea did not understand the impact and how it meshed with the MCA. They were looking at their own area and not how it worked with the surrounding area. He questioned how to interpret it without some of the definitions for the terms. He recounted how the Kalispell City-County Master Plan came into being and the number of workshops and work that had gone into it. Even though this was portrayed as a non-regulatory document, the regulatory documents flowed from it. That was why he was concerned about the language and saw it as problematic. He was expecting to see an upgrade of the CALURS Middle Canyon which would have more specific language in which the Planning Board could work with and translate into a defensible regulation. He did not know how to integrate this document into the MCA requirements and into the Flathead County Land Use Regulations. He thought there were a lot of good items in the WGVP along with several potential landmines.

Nogal explained what she had learned from the meeting concerning the North Fork amendment. She recounted when GPI proposed the RV Park. The WGVP had wonderful intentions and ideas but would take them into a place where it wasn't defensible.



Stevens gave an example of what is the definition of ‘sustainable businesses.’ It was nonspecific language.

Adams agreed. There was stuff in the WGVP which didn’t belong and gave examples. They had to be careful to not get into a position where they could not defend themselves.

Stevens said he had seen the temptation to throw everything in a plan like this except the kitchen sink because they did not have the experience of writing plans. He thought they might want to consider adding this to the Planning Board work plan using the document as a starting point and hold workshops to develop a document that would be defensible and would not create problems down the line.

Breckenridge said the two biggest issues were the wildfire and traffic. He thought if they could focus on the urgent issues that would be better.

**ROLL CALL TO  
RECOMMEND  
DENIAL  
(FPMA-21-01)  
7:40 PM**

Motion passed unanimously on a roll call vote.

**OPEN BOARD  
DISCUSSION  
7:40 PM**

There was open board discussion between the board members and the members of the public in attendance on how to move forward.

**OLD BUSINESS  
7:51 PM**

None

**NEW BUSINESS  
7:51 PM**

Mack brought up the conversation of short term rentals. This had also been brought up to the Board of Adjustment. The office had received appeals for the short rentals that had been approved. The Board of Adjustment did not like short term rentals because they believe them to be commercial use and not residential. The BOA asked that the Planning Board look at the short term rental regulations in order to slow them down. Larsen asked what the BOA did not like about them. Mack pointed to the fact that 99% of them were being approved and 1% of them were being reviewed by the BOA and getting denied.

Larsen said it was a controversial subject throughout the county. He asked if it was being proposed that the Planning Board look at the regulations again. Mack said he was not proposing anything but was asking if it was something

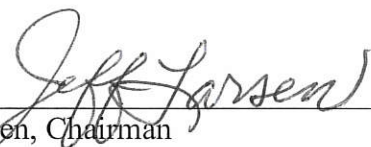
that the board wanted to review. He felt it went hand in hand with what they had been hearing about affordable housing; the short term rentals were taking away from the long term rental shortage. Larsen said that would be a work plan item. He felt it was a valid thing to talk about and should be considered. He felt there had been some problems caused by it.

Mack said that Mussman wanted them to revisit the regulations regarding guest houses, in order to possibly create more affordable housing. They discussed this and the housing shortage crisis at great length.

Mack also summarized what was happening with the search for a new director.

**ADJOURNMENT**  
**8:05 PM**

The meeting was adjourned on a motion by Nogal and Adams at approximately 8:05 p.m. The next meeting will be held September 8, 2021.

  
\_\_\_\_\_  
Jeff Larsen, Chairman

  
\_\_\_\_\_  
Angela Phillips, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 9 / 8 /21